BONDS CANNOT BE COLLECTED THE STATE OF THE S

Blunder Somewhere in Official Circles Loses \$1,000 To the City.

TWO PRISONERS SKIP OUT

When Order Is Made to Forfelt Bail, Surety Company Refuses on Ground That State Was the Insured.

onds given by Simon Levin and Frank Smith, two newsboys, Nov. 6, to secure their appearance to answer to charges Foulger, a window dresser in Walker city court by Clerk George Gutch, Tuesday afternoon, they failed to reond, and Judge Bowman ordered that

their bail of \$500 each be forfeited to the city.

It developed on invostigation that the National Surety company, which had secured the bonds, had refused to pay the city the \$1,000 which Judge Bowman ordered to be forfeited on the non-appearance of the defendants. A serious complication was brought to light. It appears from the face of the bonds, which are still in the safe of the clerk of court, that the following form was used: "State of Utah, County of Salt Lake, Before Stanley A. Hanks, justice of the peace. In the case of Simon Levin and Frank Smith. An order having been made on the 6th day of November, 1909, by the justice of the peace in said country, that Simon Levin be held to answer upon a charge of assault and battery upon which he has been admitted to bail in the sum of \$500, we, the National Surety company, hereby undertake that the above named will appear and answer the charge above mentioned in whatever court it dereby undertake that the above namd will appear and answer the charge
thove mentioned in whatever court it
may be prosecuted, and will at all
imes hold himself amenable to the
orders and process of the court, and if
onvicted will appear for judgment and
ender himself in execution thereof; or,
if he fails to perform either of these
orditions, we will pay to the state of
other than the sum of \$500. (signed.) The
lational Surety company, by Emil H.
ubach, attorney in fact. Approved by
ustice of the Peace, Stanley A. Hanks,
invort to before C. W. Johnson, notary
ubilic."

PAYABLE TO STATE. Attorney M. M. Warner, who repre-ented the defendants, made out the onds, according to the claims made by the Surety company.

pay the \$1,000 ordered forfeited by Judge Bowman, on the technical ground that the bonds read: "We will say to the State of Utah \$500" in each "ase, whereas the cases were transferred to the effect of the form of the case were transferred to the effect of the cases were transferred to the effect of the case of the ca

A Skin of Beauty is a Joy Forever.



City is a municipal corporation and cannot therefore compel the payment of torfeited bond money in state cases. It appears, further, that complaints were never filed in Judge Hanks's court. At that time, it is said, the authorities were doubtful as to whether the cases would be handled by the state or the city, as it was not known then whether Foulger, who was in the hospital, would die as the result of the injuries inflicted on him by Levin, Smith and Schumacker, on the night of Nov. 1, when they assaulted him in front of the Portland Coffee house, on Second South, between State and Commercial streets.

When it was learned that Foulger was out of danger, complaints were filed in the criminal division of the city court, charging the trio with battery. When the cases were transferred from Justice of the Peace Hanks's court to Judge Bowman's court, the bonds were deposited with the clerk of the latter court, who still has them in his possession. The National Surety company officers claim that these bonds are now worthless, so far as the city is concerned. The bonds were never approved by Judge Bowman, and it is probable that he will order an investigation of all the circumstances connected with the case.

Apparently, E. A. Rogers, assistant city attorney, representing the prosecution, never examined the bonds or inquired as to their regularity.

CHOKED TO DEATH.

is commonly said of bables who have died of the croup. How unnecessary this is. No child ever had the croup without having a cold or cough at the start. If you will stop the first symptom of the cough with Ballard's Horehound Syrup there is no danger whatever of croup. Sold by Z. C. M. I Drug Dept., 112 and 114 South Main Street, Salt Lake City.

Best floor and best music. Best people only Invited. Dance Second Ward Hall Friday nights. Seventh South & Fifth East.

ST. MARK'S CATHEDRAL BAZAAR

Track! For the Four Big Specials **TOMORROW & SATURDAY**

Bargains you can't resist-notice the prices-then come in and look over the clothes.

500 boy's and children's overcoats, reefers

and auto collar styles, your choice at VALUES TO \$10—AGES 3 TO 12. 500 boys' and children's caps and toques, your 25c

VALUES UP TO \$1.50. \$2.95

500 pairs of men's shoes

VALUES TO \$6.00.

500 dozen men's sweater coats, at

each

VALUES 75c. These specials will be on sale in the subway, the

workingman's headquarters. Don't forget the bank account. One dollar placed

to your credit on a ten-dollar purchase with interest from November 1.

MULLETT CLOTHING COMPANY

Half Block West From Main on Second South.

BREAKS A COLD IN A DAY.

This prescription is one of the very best known to science. Any good drug-gist has the ingredients or will get them from his wholesale house, any "Mix half pint of good whiskey with two ounces of glycerine and add one-half ounce Concerntrated pine compound. The bottle is to be well shaken each time and used in doses of a teaspoonful to a tablespoonful every four hours. The Concentrated pine is a special pine product and comes only in half ounce bottles, each enclosed in an air-tight case, but be sure it is labeled "Concentrated."

AMUSEMENTS

Mission—Anticipating "sometaing different," a capacity audience gathered for both evening performances at the newest vaudeville house last night. The Mission theater, the latest addition to the blazing array in east Third south, presented Sullivan & Considine vaudeville at popular prices. For the opening night, state, county and city orificials were present in the unique boxes. Gov. Spry and members of his staff, members of the country government and city council and other citiens prominent in many walks of lite there, including former Gov. Heber M. Wells and a parry of friends.

The audience was, if it is pardonable to say so, a "rubberneck" assembly. There was a constant turning of heads in every direction, and whichever way one looked there, was "something dif-

The audience was, if it is pardonable to say so, a "Tubberneck" assembly. There was a constant turning of heads in every direction, and whichever way one looked there was "something different" to be seen. Manager Clark's house is an attractive little theater; it is pretty to a fine point, the arrangements splendid, the scating capacity large with not a post to interfere with the vision, with a large gallery and odd boxes standing out in the air like vagrants, with no visible means of support. The drop is a pretty picture of an old California mission, faithfully reproduced in bright colors. The stage, though small, is well adapted to meet all vaudeville requirements.

To judge the bill by its reception, especially in the galleries, it was just what the audience wanted. As was expected, not everything went along smoothly. There were the hitches on the stage, curtains failed to drop when wanted, files were somewhat askew and there was a terrific pounding in the steamfittings that was enough to upset the various players. The greatest hit was scored perhaps by the intense, melodramatic playlet, "The Hand that Rules." May Nannary and company presented this portrayal of the struggle between capital and labor with a new delineation, and accompanied it with striking stage effects when two huge factory doors were parted to show a great machine in action with the ring of anvils' and shouts of tollers in the orderly confusion of the operation of a big manufacturing plant. The climax of the act is reached when the stern employer is accidentally shot in a struggle with a woman pleading the cause of the toilers, and in his dying moments forcing him to yield to the demands of the men for shorter hours and more pay. The gallery was much pleased with the tense action of the playlet, which was quite acceptably given.

The Katabanzai troupe of Japanese acrobats and balancers was a close contender for first place on the bill. Their act is a marvel of such balancing and skill as the Japanese alone can present.

and skill as the Japanese alone can present.

Barney Fagan and Henrietta Byron offered an uproarous act of jest in song and story. The act drew resounding plaudits from the upper regions. Inclined to overstep at times the bounds proscribed for refined acts, it could be improved by the elimination of several lines of cross talk and, also a verse or two of song and its accompainment of suggestive gyrations, for lack of a worse name termed dancing.

Capt, Nat Ressler and Mrs. Ressler offere a fine exhibition of fancy revolver shooting. There are few new feats offered, but the act could hardly be improved.

tra completed the bill. It is believed, and hoped, that the orchestra members will ultimately become better acquainted among themselves and with the music they have before them, and if so, last night's musical performance will be forgiven.

It is worth remembering that the first performance, for which seats are reserved, begins at 7:30, and that the second performance, for which seats are not reserved, begins at 9:15. Matinees begin at 2:20. This week's bill runs to Tuesday and weekly changes occur Wednesdays.

Orpheum—The Orpheum's bill is proving more than satisfactory this week and the average merit of the performance is drawing capacity audiences every evening. The daily matinee is also being well patroniz-

Colonial—The lively comedy entitled "Commencement Days" continues to atract well pleased audiences, and as the Sembrich concert is out of the way it will no doubt have an overflowing audience tonight.

Grand—"The Two Orphans" is continuing a heavy drawing card this week. Next week Salt Lakers will have an opportunity of being re-introduced to that handsome and charming actress Maude Leone (Mack.) Miss Leone has not been seen here since last year at the Colonial, when Mr. Mack opened here in "On Parole." Since then she has been playing special stock engagements in Kansas City, Omaha, Chicago, and St. Louis, Her opening play of "Janice Meredith" is one of her best roles.

WELSH SOCIETY OFFICERS.

The Sons and Daughters of Wales held a special meeting Wednesday night, when William C. Price of Tooele night, when William C. Price of Tooele was elected an honorary member. The executive committee chosen included Evan Arthur, chairman; John James, W. H. Folland, John Evans, Rees Davies, Kate E. Shill, Sarah Sullaway, J. J. Coles. It was decided to hold the next regular meeting of the society at Federation of Labor hall, at Fourth South and State streets, Tuesday evening, Dec. 14, when Postmaster A. L. Thomas will deliver an address on David Lloyd, chancellor of the exchequer for Great Britain. A musical and literary program has been arranged.

45C

TO MEET AT ST. GEORGE.

The commission to examine Indian war records in this state, which has just concluded its sessions at Fillmore, will meet at St. George, Washington county, on December 12.

The long expected and widely advertised concert by Mme. Sembrich, will not be given in this city. Manager Pyper was surprised to receive a telegram last night from Denver to the effect that the great singer's husband, Prof. Stengel, was suffering from pneumonia, and that he and his wife thought it best to get to the lower altitude of Los Angeles as soon as possible. The concert in this city was therefore abandoned.

Manager Pyper in announcing that the money already paid for seats will be returned to the purchasers of the tickets on application, did not attempt to conceal his annoyance. He said the advance agent claims that the was not significantly also the response of our theater goers to the Sembrich event, Mr. Pyper said there was no disguising the fact that many of the wealthier patrons of the theater were consplicuous by their abscene in the line of applicants, and many first nighters who never miss farce comedy, burlesque and rag time evidently took no interest whatever in the cosming of a world famous star like Sembrich. The condition reflects but little credit on the taste of some of our society "leaders," but the fact is not to be denied.

Chimes at Joint Building Get on Musical Spree

The chimes which peal from the tall tower of the city and county building have gone upon their periodical spree and in consequence R. M. Johnson, the janitor and musician of the building, is wearing a very worried look. He carries a tuning fork about with him and spends a large portion of his spare time trying to convince those perverse pieces of jingling metal that they are not doing the right thing.

"It's a mighty funny thing about those bells," said Mr. Johnson, this morning, as he tilted his head on one side and listened critically while they chimed out the hour. "Now listen to that F. It's away sharp, almost half a tone higher than it ought to be. And now that it has got to bucking, the others have gone off on the jump, too. "Early in the morning not one of them are at the pitch whow the with them, but just a seek he did a country for the holidays every year they are bad actors and they keep it up until away along in the sprins. It just seems as if they get they de lad actors and they keep it up until away along in the sprins. It just seems as lift they get be do Nick in them, or maybe they are trying to attend the art they in the mer fury in dividual who has such a liking for chimneys and children."

It was suggested by one of the by-standers that possibly the change in trailing to do with realising the pitch of the bells. "Golly, I never thought of that," exclaimed the janitor, as he scratched his head thoughtfully. "That might be it, after all. The contraction of the metal, I suppose, would naturally ralse the pitch. But I'm sorry you spoke of that," and his air was sorrowful. "You see they've had me guessing at every-thing from goblins and banshees to whole bunch of kiddies in this neighborhood who listen with keen ears and catch the change breathed his head on one of the metal, I suppose, would naturally ralse the pitch. But I'm sorry you spoke of that," and his air was sorrowful. "You see they had me guessing at every-thing from goblins and banshees to whole bunch of kiddies in this neighborhood who

"Hurryup Boys" Disport Mid Witching Mazes of Terpsichore

from many hurried people Wednesday night, the cause thereof being the annual dance of the messenger boys. themselves, to the number of 300, on hall, and were utterly oblivious to the

hall, and were utterly oblivious to the call of the telephone or the whirr of the buzzer. They were out for a good time and they had it.

As a sort of an introduction George H. Robinson and Louis Lutzen handed the boys some vorbal flowers in regard to the excellence of the services to the city generally and their high personal characters. These remarks

were highly enjoyed by the message chasers, who proceeded to cut loose immediately when Busch's orchestra started resonant strains. The hall was just comfortably crowded and all ar-rangements were perfection.

Sembrich's Concert Called Off

The long expected and widely advertised concert by Mme. Sembrich, will not be given in this city. Manager Pyper was surprised to receive a telegram last night from Denver to the effect that the great singer's husband, Prof. Stengel, was suffering from pneumonia, and that he and his wife thought it best to get to the lower altitude of Los Angeles as soon as possible. The concert in this city was therefore abandoned.

Manager Pyper in announcing that the money already paid for seats will be returned to the purchasers of the tickets on application, did not attempt to concend his annoyance. He said the advance agent who had been here two days hand taken a lively interest in the cash receipts, and was disappointed with the receipts of world from the complex of the advance agent who had been here two days had taken a lively interest in the coming of a world famous star like the revents, and was disappointed to concend his annoyance. He said the advance agent who had been here two days had taken a lively interest in the coming of a world famous star like the revents and was disappointed.

Double Drug company, lor.

The proceeds of the evening's entertainment, which amounted to a very tidy sum, was given to William Alicoate, a messenger who was badly injured not long ago in a collsion with an automobile.

ALONE IN SAWMILL AT MIDNIGHT ALONE IN SAWMILL AT MIDNIGHT unmindful of dampness, drafts, storms or cold, W J. Atkins worked as Night Watchman, at Banner Springs, Tenn. Such exposure gave him a severe cold that settled on his lungs. At last he had to give up work. He tried many remedies but all failed till he used Dr. King's New Discovery, "After using one bottle" he writes, "I went back to work as well as ever," Severe Colds stubborn Coughs, inflammed throats and sore lungs, Hemorrhages, Croup and Whooping Cough get quick relief and prompt cure from this glorlous medicine, 50c and \$1.00 Trial Bottle free, guaranteed by Z. C. M. I. Drug Department, 112-114 Main St., Salt Lake City.

ST. MARK'S CATHEDRAL BAZAR,

An especial feature of this bazar

An especial feature of this bazar which is open to night and tomorrow night will be "The Country Store," under the personal supervision of Mrs. J. J. Broughall, who will be assisted by Mrs. P. H. Hopkins, Mrs. George Mayer, Mr. and Mrs. Davis, Miss Lewis and several other young ladies of the church.

Everything in this booth has been donated by the Merchants and Manufacturers, so all stock is entirely fresh and new. All kinds of groceries, canned vegetables, canned fruits, coffees, teas, etc., will be sold at reduced prices. Delivery has been arranged for, so it will be to the interest of all housekeepers to attend the sale, and take advantage of the bargains offered.

Many articles in the dry goods and millinery line will also be found, as well as a general line, such as handsome automobile robes, electric lamps, perfumerles, silverware, gentlemen's accessories, etc., etc. Everything in this booth will be a bargain.

"SERENADE" EXCURSION

To Provo, Dec. 10th, Via D. & R. G. Excursion to Provo under the auspices of "The Serenade" Opera company. Special train leaves Salt Lake at 5.05 p. m. and returning leaves Provo at 11:45 p. m. Big time assured. Everybody invited. Fare \$1.25.

SALT LAKE OPERA CO.

At Logan

December 11th. Excursion via O. S.

Round trip from Salt Lake, \$2.50;
mit December 12th.

OF THE SEITH OPRIEN OF THE PORTER OF THE PRIEN OF THE PRIENCE The Christmas rush is on Each day is like the day before Christmas





The wave of "buy useful gifts" has

struck Salt Lake in earnest---judging by the big demand we are having on all our lines of

"Good Things to Wear"

Ladies' Jackets, Sweater Coats, Shawls, Sweater Caps, Woolen Vests,

Knitted Skirts.

Baby's Booties, Baby's Leggins, Scarfs, Garments. Union Suits, Hosiery,

What can give more lasting pleasure and comfort to old or young than some article of good wearing apparel?

Our elegant showing of new bright snappy lines will solve your "Holiday Buying" problems.

Salt Lake Knitting Store

58 South Main Street.

Still Another Chance

Daynes-Beebe Music Company's Club Sale Continued for a Few Days.

On account of the extremely unfavorable weather the past two weeks, we were prevailed upon by many of our customers to extend the privileges of this Sale. To comply with the popular de-mand, we granted the extension.

\$10 CASH SENDS THE PIANO HOME. \$1.25, \$1.50, \$1.75, \$2.00 or \$2.50 PER WEEK PAYS FOR IT.

When we announced our big Club Sale two weeks ago, we announced that it would take 128 instruments to complete the Club membership. We sold nearly that number in the time alloted, but the unfavorable weather conditions were such as to keep a number of our patrons home and our telephones have been kept busy, not only from city calls, but from all over this state and the states of Idaho, Wyoming and Nevada, to hold this sale open a few days until people could come in and see the opportunities that we were giving.

To comply with that request, we

portunities that we were giving.

To comply with that request, we decided to continue this Sale a few days longer, and now, Mr. Plano Buyer, it is up to you. Did it ever occur to you that a saving of \$100, or \$150 or \$200, as the case may be, on a piano, is well worth taking advantage of? You certainly want a piano. What better present could you get your wife and family for CHRISTMAS?

CHRISTMAS PRESENT.

Now is the season of the year to think seriously of purchasing a piane. Christmas will soon be here, and no better purchase could be made than an instrument of this kind. We absolutely guarantee that it will bring more happiness and joy into the home than anything else you can get.

Do you realize what it means to you, Mr. Piano Buyer? Do you realize the opportunity to save piano money that you are allowing to get away from you? Do you want a Knabe, a Hallet & Davis, a Kranick & Bach, an Ivers & Pond, a Lyon & Healy, a Haines Bros., a Schaeffer, a Winter, an Everett, a Vose, a Fisher, a Steinway, a Chickering or a Kimball piano?

We have a fine assortment of these

ball plano?

We have a fine assortment of these instruments left, that will go in this Sale. You will admit that these makes are the best. You want to buy your plano at the lowest possible price—then why delay? Why procrastinate, when the opportunity you have been looking for is right before you?

makes, large, medium, or small size; plain or handsomely carved in finest mahogany, iniaid mahogany, flemish oak, American walnut, etc. Come and get your favorite make at only \$237.00, \$296.00, \$318.00, \$332.00,

Additional Saving of \$30.00.

You can save just \$30.00 additional on any piano. Do not overlook this feature. \$10.00, remember is all that is required to secure any plano in this Club sale, but if you desire to pay more cash down, we will make it worth your while, as we will credit you \$2.00 for every \$1.00 paid in excess of \$10.00, at time of purchase, and up to \$40.00.

Do you want a Player-Piano

We have sold more Player-Planos in this Sale than most houses will sell in a whole year, which shows that there are many people who want Player-Planos. The field is hardly touched

cd.
Come into the store, and hear and see for yourself. We still have many great bargains left in these remarkable instruments. We can save you great money. We have left the following:

\$650 Player-Piano ... \$470 \$700 Player-Piano. \$495 \$800 Player-Piano . \$565 1 \$850 Player-Piano . \$649

Terms as low as \$10.00 monthly on above Player-Planos.
Don't say: "I can't afford a plano."
This Sale opens the way. It makes it easy for every home to have an instrument. Read about these good, used planos:

\$500 Chickering \$350 Kimball\$175 \$500 Emerson\$110 \$450 Conover\$166 \$400 Emerson \$75

